

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
HEARING OF OCTOBER 24, 2007**

**REGULAR MEETING**

**8:30 A.M.**

**OCTOBER 24, 2007**

**PRESENT:**

**COMMISSIONERS:**

**Bob Colven, Chairman  
Kimberly Cox  
Larry McCallon  
Brad Mitzelfelt, Alternate**

**Mark Nuaimi  
Richard P. Pearson  
A.R. "Tony" Sedano, Alternate  
Diane Williams, Alternate**

**STAFF:**

**Kathleen Rollings-McDonald, Executive Officer  
Samuel Martinez, LAFCO Analyst  
Michael Tuerpe, LAFCO Analyst  
Anna Raef, Clerk to the Commission**

**ABSENT:**

**COMMISSIONERS: Paul Biane  
Dennis Hansberger, Vice Chairman  
James V. Curatalo, Alternate**

**REGULAR SESSION – CALL TO ORDER – 8:45 A.M.**

Chairman Colven calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

Chairman Colven requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There are none.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 19, 2007**

Chairman Colven calls for any corrections, additions, or deletions to the minutes. There are none. Commissioner McCallon moves approval of the minutes as presented, seconded by Commissioner Cox. Chairman Colven calls for a voice vote on the motion and it is as follows: Ayes: Colven, McCallon, Mitzelfelt, Pearson, Williams. Noes: None. Abstain: Cox, Nuaimi (Commissioner Nuaimi voting in his stead). Absent: Biane (Commissioner Mitzelfelt voting in his stead), Hansberger.

**CONSENT ITEMS:**

LAFCO considers the items listed under its consent calendar. The consent calendar consists of:

- ITEM 2. Approval of Executive Officer's Expense Report
- ITEM 3. Ratify Payments as Reconciled for Month of September 2007 and Note Cash Receipts
- ITEM 4. Quarterly Financial Report for Period July 1 through September 30, 2007

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A Visa Justification for the Executive Officer's expense report, as well as staff reports outlining the staff recommendations for the reconciled payments, and the quarterly financial report, have been prepared and a copy of each is on file in the LAFCO office and are made a part of the record by reference herein. Notice of these consent items has been advertised as required by law through publication in The Sun, a newspaper of general circulation.

Chairman Colven asks if there is anyone present wishing to discuss any of the consent calendar items. There is no one.

Commissioner Cox moves approval of the staff recommendations for the consent calendar, seconded by Commissioner Pearson. Chairman Colven calls for a voice vote on the motion and it is as follows: Ayes: Colven, Cox, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Absent: Biane (Commissioner Mitzelfelt voting in his stead), Hansberger.

**DISCUSSION ITEMS:**

- ITEM 5. **(CONTINUED FROM AUGUST 15, 2007 HEARING) - CONSIDERATION OF CEQA STATUTORY EXEMPTION FOR LAFCO 3018; AND (2) LAFCO 3018-SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 42**
- ITEM 6. **(CONTINUED FROM AUGUST 15, 2007 HEARING) - CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3024; AND (2) LAFCO 3024-SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR COUNTY SERVICE AREA 64**
- ITEM 8. **CONSIDERATION OF: (1) FINAL ENVIRONMENTAL IMPACT REPORT AND ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT (FOR FONTANA DEVELOPMENT CODE UPDATE) ADOPTED BY CITY OF FONTANA FOR FONTANA GENERAL PLAN UPDATE (STATE CLEARINGHOUSE NO. 2003031083), AS CEQA RESPONSIBLE AGENCY FOR LAFCO 3056; (2) ADOPTION OF FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) LAFCO 3056 - CITY OF FONTANA ANNEXATION NO. 169 (MONARCH HILLS)**
- ITEM 9. **(CONTINUED FROM SEPTEMBER 17, 2007 HEARING) - CONSIDERATION OF COUNTY FIRE REORGANIZATION**
- A. **CONSIDERATION OF MUNICIPAL SERVICE REVIEW FOR COUNTY-GOVERNED FIRE AGENCIES AND LAFCO 3001 – SPHERE OF INFLUENCE EXPANSION FOR THE YUCCA VALLEY FIRE PROTECTION DISTRICT AND REDUCTION OF THE SPHERES OF INFLUENCE FOR THE CENTRAL VALLEY FIRE PROTECTION DISTRICT, LAKE ARROWHEAD FIRE PROTECTION DISTRICT, FOREST FALLS FIRE PROTECTION DISTRICT AND COUNTY SERVICE AREA 38**

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- B. (1) CONSIDERATION OF LAFCO 3000 – REORGANIZATION TO INCLUDE ANNEXATIONS TO THE YUCCA VALLEY FIRE PROTECTION DISTRICT, RENAMING THE EXPANDED AGENCY THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, DISSOLUTION OF THE CENTRAL VALLEY FIRE PROTECTION DISTRICT, FOREST FALLS FIRE PROTECTION DISTRICT, LAKE ARROWHEAD FIRE PROTECTION DISTRICT, COUNTY SERVICE AREA 38 AND ITS VARIOUS IMPROVEMENT ZONES, COUNTY SERVICE AREA 70 IMPROVEMENT ZONES FP-1, FP-5 AND PM-1, REMOVAL OF FIRE PROTECTION, AMBULANCE, AND/OR DISASTER PREPAREDNESS POWERS FROM COUNTY SERVICE AREAS AND THEIR IMPROVEMENT ZONES AND TRANSFERRING THAT AUTHORITY TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, AND ESTABLISHMENT OF SERVICE ZONES WITHIN THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AS FOLLOWS: VALLEY SERVICE ZONE, MOUNTAIN SERVICE ZONE, NORTH DESERT SERVICE ZONE, SOUTH DESERT SERVICE ZONE, SERVICE ZONE FP-1 (RED MOUNTAIN), SERVICE ZONE FP-2 (WINDY ACRES), SERVICE ZONE FP-3 (EL MIRAGE), SERVICE ZONE FP-4 (WONDER VALLEY), SERVICE ZONE FP-5 (HELENDALE), SERVICE ZONE PM-1 (LAKE ARROWHEAD PARAMEDIC), SERVICE ZONE PM-2 (HIGHLAND PARAMEDIC) AND SERVICE ZONE PM-3 (YUCAIPA PARAMEDIC) (KNOWN AS THE “COUNTY FIRE REORGANIZATION”)
- (2) CONSIDERATION OF LAFCO 3000A – REORGANIZATION TO INCLUDE DETACHMENTS FROM CENTRAL VALLEY FIRE PROTECTION DISTRICT, RENAME THE REDUCED DISTRICT THE FONTANA FIRE PROTECTION DISTRICT, AND ESTABLISH AS A SUBSIDIARY DISTRICT OF THE CITY OF FONTANA (KNOWN AS THE “CITY OF FONTANA ALTERNATIVE”)

Notice of the original hearings for Items 5 and 6 was advertised as required by law through publication in The Sun, a newspaper of general circulation in the area. Notice of hearing for Item 8 was advertised in The Sun and the Fontana Herald News, newspapers of general circulation in the area. Notice of hearing for Item 9 was advertised in The Sun, Desert Dispatch, Inland Valley Daily Bulletin, Hi-Desert Star, Big Bear Life & Grizzly, Fontana Herald News, Crestline Courier, Mountain News, Parker Pioneer, Needles Desert Star, and Alpenhorn News, newspapers of general circulation in the area. Individual mailed notice was provided to affected and interested agencies, County departments, and those individuals and agencies requesting mailed notice. Individual mailed notice was also provided to landowners and registered voters within and surrounding the LAFCO 3056 annexation area, pursuant to State law and Commission policy.

Chairman Colven states that due to the wildfire circumstances, these discussion items are to be continued to the November 28, 2007 hearing.

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Commissioner Nuaimi moves to continue Items 5, 6, 8, and 9, seconded by Commissioner Cox. Chairman Colven calls for a voice vote on the motion and it is as follows: Ayes: Colven, Cox, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Absent: Biane (Commissioner Mitzelfelt voting in his stead), Hansberger.

**ADOPTION OF IMPARTIAL ANALYSIS FOR LAFCO 3070 – REORGANIZATION TO INCLUDE FORMATION OF PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT, DETACHMENT FROM COUNTY SERVICE AREA 56, AND DISSOLUTION OF COUNTY SERVICE AREA 9, COUNTY SERVICE AREA 56 IMPROVEMENT ZONE F-1 AND COUNTY SERVICE AREA 70 IMPROVEMENT ZONES L AND P-4 – APPROVE STAFF RECOMMENDATION**

LAFCO conducts a public hearing to consider adoption of the Impartial Analysis for LAFCO 3070.

Notice of this hearing was advertised as required by law through publication in The Sun and Daily Press, newspapers of general circulation in the area. Individual mailed notice was provided to affected and interested agencies, County departments, and those individuals and agencies requesting mailed notice pursuant to State law and Commission policy.

Kathleen Rollings-McDonald, LAFCO Executive Officer, states this item relates to review and consideration of the impartial analysis for LAFCO 3070, the formation of the Phelan Piñon Hills Community Services District (CSD), et al. She says state law requires a draft impartial analysis must be prepared for review and consideration by the Commission and that it stipulates that the impartial analysis cannot exceed 500 words; this statement contains 493 words. She continues that LAFCO staff believes this impartial analysis identifies the actions proposed for the February election. Ms. McDonald asks the Commission to review, make corrections and adopt the impartial analysis that will complete the actions necessary to place the Phelan Piñon Hills CSD on the February ballot.

Chairman Colven asks if there are questions from the Commission. Commissioner McCallon suggests that the sentence stating that no change in property tax rates will occur as a result of the approval of LAFCO 3070 be moved to the beginning of the paragraph.

Chairman Colven calls for comments from the public for Item 7. There are none. He closes the public hearing.

Commissioner Pearson moves approval of Item 7 as amended, seconded by Commissioner Nuaimi. Chairman Colven calls for a voice vote on the motion and it is as follows: Ayes: Colven, Cox, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Absent: Biane (Commissioner Mitzelfelt voting in his stead), Hansberger.

**PENDING LEGISLATION REPORT**

Ms. McDonald states she is participating as an advisor to the Senate Local Government Committee which is looking at rewriting County Service Area law. She says that process began in early October with a number of meetings in Sacramento. She states the rewrite will be available early in 2008.

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**EXECUTIVE OFFICER'S ORAL REPORT**

Ms. McDonald states the November 28, 2007 hearing will begin at 8:30 with a brief closed session relating to the status of the litigation on the San Bernardino Valley Water Conservation District, and then move into discussions of the continued items from this hearing, a Montclair island consideration, and the finalization of the County Fire Reorganization.

Ms. McDonald states it is anticipated the Commission will not meet in December.

**COMMISSIONER COMMENTS**

Commissioner Pearson asks if the Commission, as a whole, will review the consultants for the Environmental Impact Report (EIR) for LAFCO 3076 at the November hearing. Ms. McDonald states the November consent agenda includes review of a contract with a consultant for that project. She says, as of the deadline date for the request for proposals, no response to the Request for Proposals (RFP) had been received; therefore, it is being held open for two more weeks in hopes of receiving responses. She says, assuming responses are submitted, a meeting will be scheduled with the committee to review the proposals.

Ms. McDonald states the continuation of the items on today's agenda was discussed with the Chairman of the Board of Supervisors, Commission Chair and Vice-Chair, to allow for the participation of the County Fire and Administrative staff without affecting their ability to direct the fight against the wildfires in progress.

Commissioner Pearson asks that those individuals involved with fighting the fires be kept in everyone's thoughts and prayers.

**COMMENTS FROM THE PUBLIC**

Chairman Colven calls for comments from the public. There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION,  
THE HEARING IS ADJOURNED AT 8:55 A.M.**

**ATTEST:**

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**ANNA M. RAEF**  
Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

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**ROBERT W. COLVEN, Chairman**